

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VINCENT FRANKLIN	:	
Petitioner,	:	
	:	CIVIL ACTION
v.	:	No. 09-3838
	:	
MICHAEL KLOPOTOSKI, et al.,	:	
Respondents.	:	

**ORDER**

AND NOW, this 23rd day of November, 2015, upon consideration of the *pro se* “Motion for Relief Under Federal Rules of Civil Procedure, Rule 60(b)(4); Due to the Trial Court Lack of Jurisdiction of the Subject Matter” and “Motion for Appointment of Counsel,” and for the reasons set forth in the accompanying memorandum of today’s date, it is **ORDERED** that:

1. Franklin’s Rule 60(b) motion is denied for lack of jurisdiction.
2. Franklin’s motion to appoint counsel is denied as moot.
3. The court will not issue a certificate of appealability. Franklin may apply to the Court of Appeals for such a certificate.
4. The clerk is directed to mark this case closed.

/s/ Norma L. Shapiro

J.